

### **REMARKS**

Applicant hereby requests further consideration of the application in view of the amendments above and the comments that follow.

Applicant wishes to thank the Examiner for his thorough review and consideration of the application specification and claims.

### **The Objections to the Drawings and the Claims**

The drawings and the specification have been amended to address the objections to the drawings and the claims as set forth in the Action. Reference to element "25" has been added to the specification at page 9, line 23. **Figures 2** and **6** have been revised to indicate element **24**. **Figure 6** has been revised to indicate elements **16, 24, 30** and **34**. **Figure 5** has been revised to indicate element **30**.

### **Status of the Claims**

Claims 1, 21, 22 and 25 stand rejected under Section 112. Claims 1-3, 6-17, 21-28 stand rejected under Section 102(b) as being anticipated by U.S. Patent No. 5,602,363 to Von Arx (Von Arx).

### **The Rejection under Section 112**

The Action rejects Claims 22 and 25 on the grounds that it is not clear how the "connection means" can be associated with the display panel **22** to provide any interchangeability between the housing **16** and the panel **22**. However, Applicant's specification states at page 8, lines 23-24, "A frame element **22** sandwiches the screen **18** between the housing and the frame." Applicant respectfully submits that the skilled artisan informed by this description, the illustration of **Figure 1** and the specification as a whole would have recognized suitable connection mechanisms in accordance therewith and the specification provides sufficient disclosure to satisfy the requirements of Section 112. Applicant also notes that Claims 22 and 25 no longer recite "connection means", which are now recited in dependent Claims 30 and 31.

**The Rejections under Section 102**

Claim 25, as amended, recites:

25. A modular housing system comprising:  
a housing configured to enclose a modular type electrical meter or metering type instrument with or without a readable display, wherein the housing comprises an end opening configured to receive the instrument within the housing; and  
a first end closure member and a second end closure member each configured to be interchangeably mounted on the housing to cover the end opening such that the first and second end closure members can be selectively alternatively mounted on the housing to cover the end opening;  
wherein the first end closure member includes a transparent display panel to permit viewing of a readable display of the instrument through the transparent display panel when the instrument is disposed in the housing and the first end closure member is mounted on the housing and covering the end opening; and  
wherein the second end closure member includes a mounting plate adapted to mount the instrument with respect to a surface or a connector rail when the instrument is disposed in the housing and the second end closure member is mounted on the housing and covering the end opening.

Claim 22 similarly recites an electrical meter or metering instrument assembly system comprising an electrical meter or metering instrument and a modular housing system as recited above, the housing enclosing the instrument.

As discussed in Applicant's specification, modular housing systems according to embodiments of the invention can readily enable a single housing to be used for a range of instruments including panel mounted, rail mounted and surface mounted instruments with or without a readable display. This can significantly reduce manufacturing and other associated production costs since it enables sharing of components, including the housing and other electrical components such as PCB's, across a range of instruments. This modular approach to the design and manufacture of the instruments can result in 90% of the components of a particular instrument being shared across a range of products. For example, by replacing the display screen of a panel mounted instrument with an interchangeable end closure member comprising a mounting plate for mounting the instrument directly or indirectly to a surface or

a connector rail, the remaining components can be shared for surface mounted, rail mounted and panel mounted applications. This can result in significant cost savings since higher volume production volumes can be achieved for the shared components. Modular housing systems according to embodiments of the invention can readily provide for a modular range of instruments; this is not only advantageous in terms of production costs, but also in terms of spare part inventories, maintenance of the range of modular products and therefore greater customer or end user satisfaction. Such modular housing systems can also provide commonality between the principal external dimensions for a particular range of instruments sharing a common housing. This has the advantage of enabling limited cabinet space to be maximized since each instrument from a range of instruments will occupy the same amount of space. This can also have the advantage that one instrument may be changed for another without having to rearrange the installation of a number of instruments within the cabinet.

Claims 22 and 25 stand rejected under Section 102 over Von Arx. Applicants respectfully submit that the rejection under Section 102 has been clearly overcome by the foregoing amendments.

Claims 22 and 25 as amended each recite a modular housing system including a housing and both a first end closure member having a transparent display and a second end closure member including a mounting plate, wherein each of the first and second end closure members is configured to **interchangeably** cover the **same open end** of the housing. As best understood, the Action cites the cover 16 of Von Arx as corresponding to the claimed housing, the base member 14 of Von Arx as corresponding to the claimed first end closure member having a transparent display, and the escutcheon plate 62 of Von Arx as corresponding to the claimed second end closure member including a mounting plate. However, the escutcheon plate 62 does not cover the same end opening of the cover 16 as the base member 14. Rather, the escutcheon plate 62 and the base member 14 are mounted on opposite ends of the cover 16 over respective **different, opposed openings**. Von Arx does not suggest and, per the illustrations, it does not appear possible that the escutcheon plate 62 and the base member 14 could be interchanged with respect to either opening. Accordingly, Von Arx does not disclose a modular housing system including first and second end closure members configured to interchangeably cover the same open end of a housing as claimed.

In re: Neil Frank Dudley  
Serial No.: 10/507,008  
Filed: September 7, 2004  
Page 12 of 12

For at least these reasons, Claims 22 and 25 are allowable over the cited art.

Claims 23 and 24 depend from Claim 22 and Claims 26-37 depend from Claim 25 and therefore these claims are allowable as well for at least the foregoing reasons.

### **CONCLUSION**

Applicant respectfully submits that this application is now in condition for allowance, which action is requested. Should the Examiner have any matters outstanding of resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,



David D. Beatty  
Registration No. 38,071

**USPTO Customer No. 20792**  
Myers Bigel Sibley & Sajovec, P.A.  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401

### **CERTIFICATION OF ELECTRONIC TRANSMISSION UNDER 37 CFR § 1.8**

I hereby certify that this correspondence is being transmitted electronically to the U.S. Patent and Trademark Office on March 9, 2007 using the EFS.



Katie Wu  
Date of Signature: March 9, 2007